

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KENNETH THOMAS,)	FILED COPY: MAY 23, 2008
)	08CV3009 EDA
Plaintiff,)	JUDGE ASPEN
)	MAGISTRATE JUDGE MASON
vs.)	Civil Action No.
)	
AMERICAN GENERAL FINANCE, INC.,)	
)	
Defendant.)	

COMPLAINT

I. PRELIMINARY STATEMENT

1. This is an action for damages brought by an individual consumer against the Defendant for violations of the Fair Credit Reporting Act (hereafter the "FCRA"), 15 U.S.C. §1681 *et seq.*, as amended, and various other laws of the State of Illinois.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. §1681p, 28 U.S.C. §§1331, 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367.

3. Venue lies properly in this district pursuant to 28 U.S.C. §1391(b).

III. PARTIES

4. Plaintiff, KEN THOMAS, is an individual who was at all times relevant herein, residing in the City of Plainfield and State of Illinois.

5. Defendant, AMERICAN GENERAL FINANCE, INC., was at all times a Corporation, involved in part in the business of providing financing, and at all times relevant herein, conducted business in City of Plainfield and State of Illinois.

IV. ALLEGATIONS

COUNT ONE

VIOLATIONS OF FCRA v. AMERICAN GENERAL FINANCE, INC.

6. Sometime prior to April of 2008, Plaintiff maintained two accounts with Defendant. However, prior to April 25, 2008, Plaintiff had made every payment on the account in a timely fashion, closed his account, and had not requested an additional line of credit from Defendant.

7. On April 25, 2008, a representative of Defendant contacted Plaintiff's home and spoke with Plaintiff's wife. At that time, Defendant inquired as to whether there was any loan or credit products they could offer to Plaintiff's wife. While Plaintiff's wife suggested that she had some interest, at no time was Plaintiff contacted or solicited. Moreover, Plaintiff never inquired of Defendant of any credit opportunities on that date or any date thereafter.

8. Despite knowing that the facts in paragraph 6 above, Defendant accessed Plaintiff's credit files and information impermissibly and through the use of false pretenses, without Plaintiff's consent or knowledge, without legitimate business reason to do so and then never informed Plaintiff of these illegal and impermissible accesses.

9. The aforementioned conduct is a violation of 15 U.S.C. § 1681b. As a result of the conduct of Defendant, Plaintiff has suffered actual damages in the form of financial and dignitary harm arising from the injury to credit rating and reputation, as well as an invasion of Plaintiff's privacy, and Plaintiff will continue to suffer the same for an indefinite time in the future, all to Plaintiff's great detriment and loss.

V. JURY TRIAL DEMAND

10. Plaintiff demands trial by jury on all issues so triable.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, KEN THOMAS, seeks judgment in Plaintiff's favor and damages against the Defendant, based on the following requested relief:

- (a) Actual damages;
- (b) Statutory damages;
- (c) Punitive damages;
- (d) Costs and reasonable attorney's fees pursuant to 15 U.S.C. §§ 1681n, 1681o and 815 ILCS 505/2;
- (e) An order directing that Defendant immediately delete all of the references to access of Plaintiff's credit reports on said reports, and cease obtaining any further access of Plaintiff's credit report without express permission from Plaintiff;
- (f) Such other and further relief as may be necessary, just and proper.

Respectfully Submitted,
KENNETH THOMAS

By: s/Larry P. Smith
Attorney for Plaintiff

Larry P. Smith
Larry P. Smith & Associates, Ltd.
205 N. Michigan Ave., 40th Floor
Chicago, IL 60601
Ph. (312) 222-9028
Fax (312) 602-3911
e-mail lsmith@lpsmithlaw.com